

Law Offices of Jay Lewis, LLC

Jay Lewis
Carol Gerard*
K. Anderson Nelms

* Also licensed in Connecticut, Florida, New York

P.O. Box 5059
Montgomery, AL 36103
Voice 334-263-7733
Fax 334-832-4390

January 19, 2005

Thomas, Means, Gillis & Seay, P.C.
Attn: Chris Whitehead
P.O. Drawer 5058
Montgomery, Alabama 36103-1033

Via Facsimile (334) 260-9396 and U.S. Mail.

RE: *Hogan v. City of Montgomery, et al.*
2:05-cv-687, U.S. District Court, Middle District of Alabama
Our File No.: 11728
Your File No.: 3236-016

Dear Chris:

In response to your letter of December 14, 2005. First, I apologize for having not responded to same, apparently the letter arrived at our office but was misplaced. I never had an opportunity to read it or respond appropriately. Had I responded earlier, you would have been informed that this office did for a considerable time represent Kirk Pelham. This representation was directly related to his law suit against the City of Montgomery and the related allegations involving Chad Hogan. Therefore, the basis for the objections of attorney client privilege and work product are founded upon this relationship. Accordingly, your reliance upon assumed facts is misplaced.

Your anticipated cooperation and patience in this regard is greatly appreciated.

Defendant's Exhibit

Sincerely,



Andy Nelms